

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4844

IN THE MATTER OF:

Served May 14, 1996

Application of CAPITAL CITY)	Case No. AP-96-28
LIMOUSINE, INC., to Amend)	
Certificate of Authority No. 298)	
and Consolidate Operations with)	
CAPITAL CITY TRANSPORTATION, INC.)	

By application filed May 8, 1996, Capital City Limousine, Inc. (CCL), a District of Columbia corporation, requests removal of the 15-passenger restriction in Certificate of Authority No. 298. If this application is approved, CCL will consolidate its fleet with the fleet of commonly-controlled Capital City Transportation, Inc. (CCT), and CCT will surrender Certificate of Authority No. 299.

CCL proposes conducting post-consolidation operations using six sedans, six limousines, three vans and two minibuses. CCL's proposed tariff contains hourly group charter rates and different hourly rates for airport transfers. This raises an issue of undue preference and discrimination.¹ Applicant will be directed to file a statement explaining why its proposed tariff should not be found "unduly discriminatory, or unduly preferential between classes of riders or between locations within the Metropolitan District."²

Applicant's Exhibits F and G contain revenue entries for "Contract Service Fees;" yet, applicant does not propose any contract tariff(s). Applicant will be directed to file a statement explaining why it is projecting Contract Service revenue but proposes no contract tariff(s).

Under Article XII, Section 3(a)(i), of the Compact, the Commission may approve the consolidation of CCT and CCL if the Commission finds said consolidation to be in the public interest. The public interest analysis focuses on the survivor's fitness, the resulting competitive balance, the benefits to the riding public and the interests of affected employees.³ CCL will be directed to file a statement describing the effects of the consolidation on competition, the riding public and the interests of affected employees.

¹ See In re Central Delivery Serv., Inc., No. AP-78-32, Order No. 1892 (Sept. 29, 1978) (rate differential between DC hotels and other points in DC raises prima facie issue of preferential or discriminatory treatment).

² Compact, tit. II, art. XI, § 16(a).

³ In re Boston Coach-Wash. Corp., No. AP-93-21, Order No. 4163 (Sept. 13, 1993).

Under Article XI, Section 10(b), of the Compact, the Commission may amend a certificate of authority upon application by the holder. A carrier seeking expanded operating authority must make the showing required of an applicant for a new certificate.⁴ This requires a determination of whether the applicant is fit and whether the proposed transportation is consistent with the public interest.⁵

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation and consolidation are consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than May 24, 1996, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than June 14, 1996, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than May 24, 1996, an original and four copies of the following:

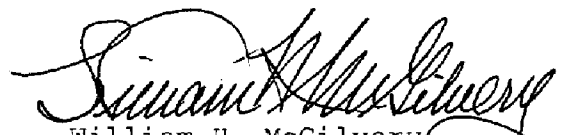
a. a statement explaining why its proposed tariff should not be found unduly discriminatory, or unduly preferential between classes of riders or between locations within the Metropolitan District;

b. a statement explaining why it is projecting Contract Service revenue but proposes no contract tariff(s); and

c. a statement describing the effect of the consolidation on competition, the riding public and the interests of affected employees.

4. That the deadline for filing protests, comments, applications for intervention and requests for formal hearing is June 14, 1996, and that copies must be served on applicants' attorney, Edward J. Kiley, Esquire, 1730 M Street, N.W., Suite 400, Washington, DC 20036.

FOR THE COMMISSION:


William H. McGilvery
Executive Director

⁴ In re Reston Limo. & Travel Serv., Inc., t/a Reston Limo.,
No. AP-95-05, Order No. 4490 (Feb. 2, 1995).

⁵ Compact, tit. II, art. XI, § 7(a).